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EXAMINER TAMAI, KARL I				
ART UNIT		PAPER NUMBER		
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**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

Paper No. 20031118

Application Number: 09/719,469
Filing Date: April 18, 2001
Appellant: FAUTH, LOTHAR

Ronald E. Greigg
Reg. 31,517

For Appellant

EXAMINER'S ANSWER

MAILED
DEC 02 2003
GROUP 2800

This is in response to the appeal brief filed October 24, 2003.

(1) *Real Party in Interest*

A statement identifying the real party in interest is contained in the brief.

(2) *Related Appeals and Interferences*

A statement identifying the related appeals and interferences which will directly affect or be directly affected by or have a bearing on the decision in the pending appeal is contained in the brief.

(3) *Status of Claims*

The statement of the status of the claims contained in the brief is correct.

(4) *Status of Amendments After Final*

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

(5) *Summary of Invention*

The summary of invention contained in the brief is correct.

(6) *Issues*

The appellant's statement of the issues in the brief is correct.

(7) *Grouping of Claims*

The rejection of claims 8 and 9 stand or fall together because appellant's brief does not include a statement that this grouping of claims does not stand or fall together and reasons in support thereof. See 37 CFR 1.192(c)(7). Claims 12, 13, and 14 stand separately.

(8) Claims Appealed

The copy of the appealed claims contained in the Appendix to the brief is correct.

(9) Prior Art of Record

<u>PATENT NUMBER</u>	<u>INVENTOR</u>	<u>PUBLICATION DATE</u>
US 4,589,299	Kobayashi et al.	5/1986
US 4,885,948	Thrasher, Jr et al.	12/1989

(10) Grounds of Rejection

The following grounds of rejection are applicable to the appealed claims:

Claims 8, 9, and 12-14 are rejected under 35 U.S.C. 102(b). This rejection is set forth in the Final Office Action, dated 12/10/2002. The rejection is repeated below for the convenience of the Board of Appeals and Interferences.

Claims 8 and 9 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Kobayashi et al. (Kobayashi)(US 4,589,299). Kobayashi teaches a worm formed on the end of an armature shaft by rolling with a sleeve bearing between the armature and the worm. The method of making is inherent in the disclosed structure.

Claims 8, 9, and 12-14 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Thrasher, Jr. et al. (Thrasher)(US 4,885,948). Thrasher teaches a motor with a shaft with a worm formed by rolling and having a larger diameter than the shaft. Thrasher teaches a bearing 28 between the armature core and the worm with fingers that bear against the shaft. The method of making is inherent in the disclosed structure.

(11) Response to Argument

ISSUE 1

The Applicant's argument that the worm must be formed after mounting the armature assembly is not persuasive. Claim 8 does not include a limitation for when the armature assembly is mounted to the shaft. Claim 8 only requires the shaft to be "reshaped", and the axial location where the shaft will be reshaped is at the position of the end of the armature. There is no claim limitation for the steps of mounting the armature assembly on the shaft prior to reshaping the shaft. The Applicant's arguments regarding the original claim 1 is not persuasive because it was cancelled by a preliminary amendment prior to examination.

The Applicant's argument that claims must be given their broadest reasonable interpretation is not persuasive because the broadest reasonable is the shaft can be reshaped before or after the armature is mounted on the shaft, so long as the reshaping is done at the end of the shaft; which is the end of the armature assembly. The Applicant's argument that the specification and original claims indicate an interpretation that includes the armature being mounted on the shaft prior to reshaping of the shaft is persuasive because it is an interpretation of the claims but not the broadest reasonable interpretation. Furthermore, the Applicant is improperly reading the steps of mounting the armature on the shaft prior to reshaping from the specification into the claims (See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993) holding that although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims).

The Applicant's argument that Kobayashi does not teach the worm reshaped after mounting the armature components is not persuasive because the limitation is not in the claims. The Applicant's argument that the worm is not shaped at the end of the armature is not persuasive because figure 1 clearly shows the worms 21, 22 formed on the end of the armature shaft. The position on the worm is the same as the applicant's claims and figure 1, 2, that being on the end of the shaft. The Applicant's arguments about inherency are not persuasive because the limitation of the armature assembly being mounted on the shaft prior to forming the worm is not a claim limitation. The rejection is proper and should be maintained.

ISSUE 2

The Applicant's arguments regarding the armature assembly being mounted on the shaft prior to reshaping the shaft is not persuasive for the same reasons as with ISSUE 1, the limitation is not claimed. The Applicant's argument that claim 12 is allowable because claim 8 is allowable is not persuasive because claim 8 is statutorily barred by both Trasher and Kobayashi. The Applicant's argument that the bearing 28 is not a bearing seat directly mounted to the shaft is not persuasive. Trasher teaches the bearing 28 is directly mounted to the shaft because the tubular bearing seat includes the fingers which have a smaller diameter than the shaft (Col. 10, line 13) directly contacting and mounting the bearing on the shaft, and the bearing 28 (which is the bearing seat of claim 13) has a diameter greater than the worm to allow the damper to be mounted directly on the shaft after the worm was formed (col. 2, line 68). The

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Applicant previously incorrectly argued that the bearing seat must be fixed to the shaft, but that limitation is not claimed, only that the bearing seat is directly mounted to the shaft. The bearing 28 is directly mounted to the shaft because there is nothing between the bearing and the shaft, therefore the bearing is directly mounted to the shaft and the housing to provide rotational support therebetween. The examiner withdrew the rejection of claim 10 and 11, which includes the additional step of mounting the bearing and bearing seat to the shaft prior to formation of the worm on the end of the shaft, however this limitation is not found in claims 12-14. The Applicant's argument that the damper is not a bearing is not persuasive because the damper inherently is a bearing because it rotatably supports the shaft. The rejection is proper and should be maintained.

For these reasons, the rejection should be maintained.



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